

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 831 - HB 1037

March 2, 2013

SUMMARY OF BILL: Provides that a prosecution is commenced by finding an indictment, finding a presentment, or by the issuing of a warrant identifying the offender by a deoxyribonucleic acid (DNA) profile.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- In *State v. Burdick*, No. M2010-00144-SC-R11-CD, 2012 Tenn. LEXIS 903 (Tenn. Dec. 18, 2012), the Tennessee Supreme Court held that under current law, Tenn. Code Ann. § 40-2-104, a “John Doe” warrant that includes a DNA profile satisfies the particularity requirement of the United State Constitution and article I, section 7 of the Tennessee Constitution, and is sufficient to commence prosecution.
- The bill codifies a portion of the Tennessee Supreme Court’s decision in *Burdick*. See *Burdick*, 2012 Tenn. LEXIS 903, at *1.
- For purposes of this note, it is assumed that most warrants issued for unidentified suspects include “John Doe” or “Jane Doe” in addition to providing the DNA profile.
- The bill will not have a significant impact on the courts or result in additional incarcerations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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